

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timo Heinrich et al.

Examiner: Noble E. Jarrell

Serial No.: 10/560,737

Group Art Unit: 1624

Filed: December 15, 2005

Confirmation No.: 1689

Title: INDOLE DERIVATIVES AS SEROTONIN REUPTAKE INHIBITORS

REQUEST FOR NEW OFFICE ACTION

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action mailed August 7, 2008, at page 7, appears to make a obviousness-type double patenting rejection over co-pending application serial no. 10/539,516. However, rather than discussing the claims of this application, the rejection discusses the claims of application serial no. 10/481,270. Thus, it is unclear whether the Office Action intends to make a double patenting rejection over both applications, or one, moreover, it is not clear which application is intended, if just one is the basis of the rejection. Accordingly, since Applicants cannot respond to the Office Action as is stands, they respectfully request a new Office Action clarifying this aspect.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Harry B. Shubin/

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